

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CHARLIE B. BUSH JR.,)	4:09CV3222
)	
Plaintiff,)	
)	
v.)	MEMORANDUM
)	AND ORDER
RICHARD THOMAS, and)	
LANCASTER COUNTY JAIL,)	
)	
Defendants.)	

Plaintiff filed his complaint in this matter while he was incarcerated. (Filing No. [1](#).) Plaintiff also filed a motion for leave to proceed in forma pauperis (“IFP”) while he was incarcerated. (Filing No. [2](#).)

According to Plaintiff’s Notice of Change of Address (filing no. [8](#)), Plaintiff is no longer incarcerated. Therefore, he must file a new Application for Leave to Proceed IFP if he wishes to proceed IFP in this case. *See, e.g., McGann v. Comm’r, Social Security Admin.*, 96 F.3d 28, 30 (2d Cir. 1996) (“A released prisoner may litigate without further payment of fees upon satisfying the poverty affidavit requirement applicable to all non-prisoners.”). Plaintiff may, in the alternative, pay the entire \$350.00 filing fee. However, if Plaintiff fails to either file a new IFP application or pay the \$350.00 filing fee by December 24, 2009, this case will be subject to dismissal without further notice.

IT IS THEREFORE ORDERED that:

1. The Clerk of the court shall send to Plaintiff Form AO 240, “Application to Proceed Without Prepayment of Fees and Affidavit.”
2. By December 24, 2009, Plaintiff shall either file a new Application to

Proceed IFP or pay the court's \$350 filing fee. If Plaintiff fails to comply with this memorandum and order, this case may be subject to dismissal after December 24, 2009, without further notice.

3. Plaintiff is reminded to keep the court informed of his current address at all times while this case is pending; failure to do so could result in dismissal.

4. The Clerk of the court is directed to set a pro se case management deadline with the following text: December 24, 2009: deadline for Plaintiff to file new IFP application or pay filing fee.

November 24, 2009.

BY THE COURT:

Richard G. Kopf

United States District Judge

*This opinion may contain hyperlinks to other documents or Web sites. The U.S. District Court for the District of Nebraska does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide on their Web sites. Likewise, the court has no agreements with any of these third parties or their Web sites. The court accepts no responsibility for the availability or functionality of any hyperlink. Thus, the fact that a hyperlink ceases to work or directs the user to some other site does not affect the opinion of the court.